

REMARKS

Claims 1-42 are currently pending in the present application. Claims 1-21 were originally filed in the present application. Claims 5, 7, 14-19 and 21 were amended and claims 22-29 were added by Amendment A. Claims 11, 13 and 29 were amended and claims 30-42 were added by Amendment B. Claims 1, 4, 5, 11, 13, 14, 17, and 29 are amended and claims 7-10 and 12 are cancelled by the present Amendment. Based on the amendments and remarks set forth herein, Applicant respectfully request reconsideration and allowance of claims 1-6, 11, and 13-42.

35 U.S.C. §112 Rejection

Claims 1-42 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is alleged that the use of the word “substantially” renders the claims indefinite.

Applicant has deleted the word “substantially” from claims 1, 5, 7, 11, 13, 14, 17 and 29. Nevertheless, Applicant respectfully submits that the scope of the claims is not altered by this amendment, as the liquefied, soluble acidity-reducing formulation may include trace amounts or impurity-level amounts of acidulent, which does not appreciably alter the pH of the formulation. Applicant, therefore respectfully submits that this rejection is now moot and should be withdrawn.

Allowable Subject Matter

Claims 4, 5, 11 and 13-42 are indicated as being allowable if rewritten to overcome the 35 U.S.C. §112 rejection and to include all of the limitations of the base claim and any intervening claims.

Applicant has deleted the word “substantially” from claims 1, 5, 11, 13, 14, 17 and 29 and, therefore, submits that the rejection under 35 U.S.C. §112 has been overcome. Claims 5, 11, 13, 14, 17 and 29 were already presented in independent form. Claim 4 has been


rewritten in independent form to include all of the limitations of the base claim (claim 1). Claim 1 has been amended. Applicant submits that claims 1-6, 11 and 13-42 are now in condition for allowance.

Applicant has previously paid for a total of forty-two (42) claims, including nine (9) independent claims. Claims 7-10 and 12 are cancelled by the present Amendment, leaving a total of thirty-seven (37) claims. The thirty-seven (37) remaining claims include nine (9) independent claims (1, 4, 5, 11, 13, 14, 17, 20, and 29). A Patent Application Fee Determination Record is submitted herewith. Applicant submits that no additional fee is due with the filing of this paper. If, however, the Office determines that an additional fee is due, the Director and/or Commissioner for Patents are hereby authorized to charge any required fee to Deposit Account No. 18-0987. A duplicate copy of this page is attached.

In view of the amendments and remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 U.S.C. §112 rejection, and request that a Formal Notice of Allowance be issued for claims 1-6, 11 and 13-42.

Should the Examiner have any questions, Applicant's undersigned attorney would welcome a telephone call.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28,837)
Salvatore A. Sidoti, Esq. (Reg. No. 43,921)
Renner, Kenner, Greive, Bobak, Taylor & Weber
24500 Center Ridge Road, Suite 280
Westlake, OH 44145
Telephone: (440) 808-0011
Facsimile: (440) 808-0657
Attorney for Applicant

6-11-03

Date